IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

WP(C).No. 27594 of 2005(I)

OS.1919/2004 of PRL.M.C.,ERNAKULAM
.....

PETITIONER:

K.M.CHERIYAN, S/O.MATHAI,
AGED ABOUT 56 YEARS, RESIDING AT KOLLEENAL HOUSE,
MANEED VILLAGE, MUVATTUPUZHA TALUK,
M/S.KOLLEENAL RUBBER, MANEED.P.O.,
PIN-686 726.

BY ADV. SRI.M.P.ABRAHAM (SR.)
SRI.ALIAS M.M.

RESPONDENT:

MRS.SARAMMA PHILIPPOSE,
W/O.LATE O.C.PHILIPPOSE,
AGED 82 YEARS, RESIDING AT OLICKAL VADAKKETHA-
DATHIL, ARAKKUNNAM, EDAKKATUVAYAL VILLAGE,
KANAYANNUR TALUK, ERNAKULAM DISTRICT.

BY ADV. SRI.K.SURENDRA MOHAN
SRI.JOSE SEBASTIAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 27594 OF 2005

Dated this the 5th day of June, 2007

JUDGMENT

Ext.P2 order by which the written statement filed by the petitioner is refused to be accepted on the reason that the same has been filed beyond the period of 90 days is under challenge. It was submitted by Sri.M.P.Abraham, Senior counsel that the matter has been settled by judgment of the Supreme Court in **Kailash v. Nanhku** [2005(2) KLT 623] that the Court has the power to receive the written statement filed even after 90 days of receipt of summons. Ext.P2, accordingly, will stand set aside. The Writ Petition will stand allowed directing the learned Munsiff to receive the written statement already filed by the petitioner and to proceed with the suit in accordance with law.

The Writ Petition is allowed as above. No costs.

PIUS C. KURIAKOSE, JUDGE

btt